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Lopez v. City of Grand Junction

Colorado Court of Appeals, Division I - July 12, 2018 - P.3d - 2018 WL 3384674 - 2018 COA 97

Plaintiffs brought action against city on claims of negligence and vicarious liability to recover for personal injuries and property damage when an independent contractor doing maintenance work on utility lines that powered a traffic light allegedly ruptured a natural-gas line, which allegedly caused gas to enter house through a sewer line and explode.

The District Court dismissed. Plaintiffs appealed.

As a matter of first impression, the Court of Appeals held that:

- As to negligence claim regarding maintenance work on the traffic light, plaintiffs' injuries resulted, in the context of the Colorado Governmental Immunity Act (CGIA), from independent contractor's conduct;
- As to negligence claim regarding maintenance work on the traffic light, independent contractor's conduct was attributable to city for purposes of waiver of immunity under the CGIA; but
- As to negligence claim regarding the sewer line, sufficient evidence supported finding that sewer main was in the same general state of repair as when it was installed.